

## Reforming the Affirmative Actions for Deepening Inclusiveness of India's Socio-Economic Development

Kishore Kumar Sutradhar<sup>1</sup>, M. P. Bezbaruah<sup>2</sup> and Utpal Baishya<sup>3</sup>

### Abstract

*Affirmative action in India, enshrined in constitutional provisions, aims to redress caste-based inequalities by ensuring representation of Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in education, employment, and politics. Over seven decades, these policies have expanded access and promoted socio-economic mobility. Yet significant disparities persist. SCs and STs remain underrepresented in higher education and are disproportionately concentrated in lower-tier public employment, whereas OBCs show greater demographic convergence. Political reservations have enhanced inclusion, strengthening democratic representation. However, intra-group inequities, particularly the concentration of benefits among “creamy layers,” limit the transformative potential of reservations. To address this, the study proposes a disadvantage-adjusted merit framework that moderates candidate scores by relative deprivation, enhancing equity within groups. The analysis underscores that while affirmative action remains essential for India’s inclusive development, its effectiveness depends on recalibrating quota administration to prioritise the most disadvantaged.*

### Introduction

In 1947, as India attained political independence, it faced not only the monumental challenge of nation-building but also the urgent imperative of addressing deep-rooted social inequalities entrenched over centuries through the caste hierarchy. The Scheduled Castes (SCs) and Scheduled Tribes (STs)—officially recognised as “socially and educationally backward” communities—were among the most disadvantaged groups (Galanter, 1984; Mendelsohn and Vicziany, 1998). The persistence of caste-based disadvantage meant that these groups entered the postcolonial era with substantial deficits in education, employment, and political participation (National Sample Survey

---

<sup>1</sup> Assistant Professor, Department of Economics, Bhawanipur Anchalik College, Bajali, Assam – 781352, India, Email: kumarkishorec313@gmail.com

<sup>2</sup> Professor (Retired), Department of Economics, Gauhati University, Assam – 781014, India, Email: bezbaruah.mp@gmail.com

<sup>3</sup> Former UGC Senior Fellow, Department of Economics, Gauhati University, Assam – 781014, India, Email: pmutpal22@gmail.com

Office [NSSO], 2021; Sahoo et al., 2023). The Constitution of India, recognising the historical oppression of marginalised communities, institutionalised affirmative action through reservations in education, public employment, and political representation. Articles 15(4) and 16(4) empower the state to make “special provisions” for the advancement of socially and educationally backward classes, while Articles 330 and 332 reserve legislative seats for SCs and STs (Austin, 1999; Galanter, 1984). These constitutional measures were later extended to Other Backward Classes (OBCs) in 1990, following the recommendations of the Mandal Commission, resulting in a 27% reservation in central government services. The Supreme Court’s landmark judgment in *Indra Sawhney v. Union of India* (1992) upheld the OBC reservation but introduced the “creamy layer” exclusion, ensuring that socially and economically advanced members of OBCs would not benefit from these provisions. More recently, reservations were extended to the Economically Weaker Sections (EWS) of the population through the Constitutional Amendment Act. This amendment was upheld in *Janhit Abhiyan v. Union of India* (2022), wherein the Supreme Court endorsed economic criteria for affirmative action and accepted that the 50% ceiling on reservations could be exceeded under certain circumstances.

Given that SCs and STs have been the beneficiaries of affirmative action for over seven decades, it is both timely and necessary to assess the extent to which these policies have succeeded in narrowing socio-economic disparities. The present paper is motivated by this imperative, situating its inquiry within the historical, constitutional, and empirical debates on the effectiveness of India’s affirmative action framework. Specifically, it seeks to examine: (a) the extent to which the historical backlogs in socio-economic indicators for SCs and STs have been addressed through affirmative action, and (b) whether there is scope for reforming the implementation process of these policies to enhance their effectiveness.

Organised into five coherent sections, the paper begins with an introduction situating affirmative action in India within its historical and constitutional context while outlining the study’s central research objectives. The second section provides a comprehensive literature review, synthesizing existing scholarly debates on the efficacy, distributional outcomes, and criticisms of affirmative action policies. The third section details the materials and methods. The fourth section presents the results and discussion, empirically evaluating the implementation and impact of reservations across educational, employment, and political domains and culminating in the proposal of a disadvantage-adjusted merit score to enhance intra-group equity. Finally, the conclusion summarises the key findings and underscores the imperative for policy reforms aimed at deepening inclusiveness.

## Literature Review

India has many endogamous caste groups, or *jatis*, spread across different parts of the country. People are born into diverse social and environmental circumstances, resulting in differences in social status, economic opportunities, political empowerment, and

educational achievements. In other words, individuals from all communities do not enjoy equal access to resources or opportunities to meet their needs. In the Indian context, people from various castes, communities, tribes, and religions often face discrimination and deprivation. The inequalities and discrimination along caste lines have been inherited for centuries (Dumont, 1980; Jodhka, 2017). Therefore; these less privileged groups in society must receive special support from the state so that they can enjoy equal opportunities and lead a life of dignity. Accordingly, some of these communities have been brought under affirmative action enshrined in the constitution of India after independence. These communities are categorised as Scheduled Caste (SC)<sup>4</sup>, Scheduled Tribes (ST)<sup>5</sup> and Other Backward Classes (OBCs)<sup>6</sup>.

In this regard, various compensatory measures have been undertaken since the colonial period. One such effort is “Affirmative Action” (AA), which became more prominent after the adoption of the Indian Constitution in 1950. AA refers to a set of policies and practices designed to address historical discrimination and inequality by providing preferential treatment to historically disadvantaged groups. In India, AA is commonly known as the “Reservation Policy.” The Indian state grants reservations to different categories on various grounds. The reservation policy aims to ensure representation in education, employment, and politics for historically marginalised groups such as SC, ST, and OBCs. The primary purpose of introducing AA is to remove caste-based inequalities, bridge employment gaps for disadvantaged groups, ensure access to education for all, and redress the consequences of past injustices and systemic barriers.

The marginalised communities have been striving for inclusive development and have made some progress towards socio-economic integration into the mainstream of Indian society. To achieve this objective, the Affirmative Actions pursued by the government—enshrined in the Indian Constitution—have yielded positive results. AA fosters an

<sup>4</sup> Initially SC community was categorised by various nomenclatures such as “Untouchables,” “Exterior Castes,” or “Depressed Classes,” the classification of SCs was formalised through a series of exercises starting with the nomenclature of Depressed Classes to describe disadvantaged groups by the British Colonial Administration. The term Scheduled Caste (SC) was first officially introduced by the Simon Commission (1927). The Simon Commission (the Indian Statutory Commission) introduced the phrase Scheduled Caste replacing commonly used terms like Depressed Classes, Exterior Caste and Untouchables. These terms were used to identify people that suffered from ritual pollution (not allowed to come in proximity of high-caste Hindu like the Brahmin) social disability (denial of access to centers of learning, temples, water sources) and economic disability (restriction from certain economic activities) and untouchability. These groups of people were included in a *schedule* for special political and educational protections.

<sup>5</sup> In 1871 Criminal Tribes Act was passed by the Colonial Administration wherein some tribal groups were classified as “Criminal Tribes” based on the colonial belief that certain communities were hereditarily criminals. Under the Government of India Act 1935, certain tribal-dominated regions were designated as “Excluded” or “Partially Excluded” areas to be administered directly by Governors, theoretically to protect tribal culture. Later hill people inhabiting these excluded and partially excluded areas were all brought under the ST classification.

<sup>6</sup> The classification of “Other Backward Classes” (OBCs) encompasses “Socially and Educationally Backward Classes” (SEBCs) who occupy middle tier in the caste hierarchy, historically disadvantaged but distinct from Scheduled Castes and Scheduled Tribes. The concept originated in the late 19th-century Madras and Mysore Presidencies to describe “Backward Communities” seeking representation. While Article 340 of the Constitution (1950) mandated the identification of these groups, a national list was not formalised until the Second Backward Classes Commission (Mandal Commission, 1979). Using 11 social, educational, and economic criteria, the Commission identified 3,743 castes as OBCs, recommending a 27% reservation in public employment. This was implemented in 1990 and upheld by the Supreme Court in the *Indra Sawhney* (1992) judgment, which also introduced the “creamy layer” to exclude affluent members from benefits.

environment of opportunity where individuals from Scheduled Castes, Scheduled Tribes, Other Backward Classes, weaker sections of society, women, minority groups, senior citizens, and persons with special needs can secure jobs or admissions that they might otherwise be denied. Beyond reducing caste-, race-, and class-based disparities, AA has contributed to increasing literacy rates, improving living standards, changing attitudes toward minority groups, and supporting the welfare of economically weaker sections (Pant and Choudhury, 2022).

These policies have brought positive changes to the lives of marginalised people. AA in public employment and higher education has not only compensated for historical discrimination but also promoted cross-ethnic interaction, fairness in recruitment and admissions, and greater social mobility. However, evidence suggests that inequality within these communities remains substantial. Data from various sources on material living standards, poverty rates, health status, educational attainment, and occupational outcomes indicate that disparities between SC-ST groups and non-OBC Unreserved (a loose proxy for upper castes) are persistent and systematic, despite regional variations (Deshpande, 2011; Deshpande and Newman, 2010). There are ample evidence documenting substantial gaps between SCs and Unreserved category in access to education, quality of education, and learning-enhancing resources, as well as active discrimination inside schools by teachers (Nambissan, 2020).

Deshpande (2011) rightly observes that all the existing AA programs and other supplementary measures need not be considered mutually exclusive. They can strengthen and reinforce each other. Admittedly, all these measures have costs, but the benefits of integrating large sections of nearly 160 million people from oppressed classes and unleashing the suppressed reservoir of talent is the need for the rapidly growing Indian economy. This observation raises the question of whether AA has been operating with considerable ineffectiveness or imperfections. The efficacy and fairness of these policies remain fiercely debated (Sowell, 2005; Kennedy, 2013). Analyzing quotas in India and the United States, Sander (2004) argues that affirmative action often fails to achieve its primary goal of raising the socioeconomic status of the targeted group due to limited scope or poor “matching” of recipients to opportunities, resulting in high failure rates and no lasting gains.

Similarly, some argue that the benefits of affirmative action are disproportionately concentrated among the socio-economic elite of the targeted group (Massey et al., 2006; Galanter, 1984; Sowell, 2005). Within disadvantaged communities, AA is alleged to have created a “Creamy Layer,” leading to inadequate trickle-down of its benefits. Multiple studies claim that real-world affirmative action programs often produce concentrated benefits for a few. Sowell (2005) noted that those individuals most likely to be compensated are often those with the least disadvantages, even when the groups they come from may suffer misfortunes. India’s programs, which extend benefits to large caste categories, have been criticised for disproportionately aiding richer subgroups within these categories (Deshpande and Yadav, 2006).

Given this, it is necessary to review how AA has evolved and functioned over the decades to recommend more effective implementation strategies in the future.

### **Materials and Methods**

This study relies exclusively on secondary data sources. The datasets and reports consulted include the *Annual All India Survey on Higher Education Report*, the *Annual Report of the Ministry of Personnel, Public Grievances and Pensions*, the *Public Enterprise Survey*, the 61st and 68th rounds of the National Sample Survey Office (NSSO), and the *Fifth Labour Bureau Employment–Unemployment Survey Report*, and *Sixth Labour Bureau Employment–Unemployment Survey Report*. These sources were selected for their comprehensive coverage of socio-economic, educational, and employment indicators relevant to Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs).

To assess the effectiveness of Affirmative Action measures, standard descriptive statistical techniques—such as the computation of ratios, percentages, averages, and the use of visual representations (figures and graphs)—were applied. These methods facilitate both cross-sectional and temporal comparisons across social groups.

For the evaluation of potential reforms in quota administration aimed at enhancing intra-group equity, the study adapts a framework inspired by the Inequality-Adjusted Human Development Index (IHDI), as formulated by the United Nations Development Programme (UNDP). The Inequality Adjusted Human Development Index (IHDI) adjusts the Human Development Index (HDI) for inequality in the distribution of each dimension across the population. The IHDI accounts for inequalities in HDI dimensions by “discounting” average value according to its level of inequality. This approach allows for the adjustment of aggregate group outcomes to account for disparities within the beneficiary categories, thereby providing a more nuanced assessment of equity impacts.

### **Results and Discussions**

#### **The Implementation of Affirmative Action in India**

Despite the importance of the question, it is quite challenging to assess the actual efficacy of AAs, the distribution of benefits within the targeted groups, and their spillover effects beyond the immediate beneficiaries. While AAs aim to create opportunities for the socio-economic upliftment of disadvantaged groups, it remains unclear whether these benefits truly reach the most underprivileged members within these communities.

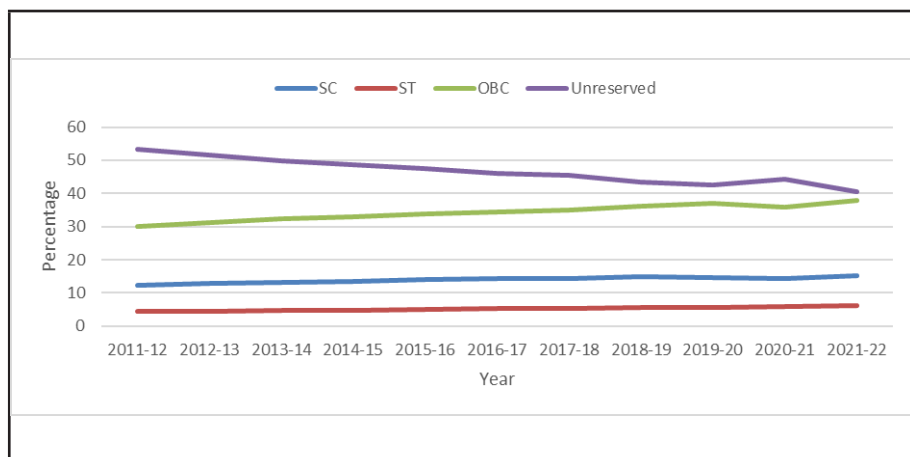
In this section, we attempt to analyse how reservation policies and quotas have impacted the intended groups over the years. Specifically, we will examine the effectiveness of these policies in the educational, economic, and political domains.

### Educational Domain

Higher education is considered a merit good, and therefore, it is the responsibility of the state to ensure its provision for all segments of society. In many countries, backward communities that have historically faced discrimination are granted preferential admission to colleges and universities through AA. In India as well, AA policies are directly applicable in higher educational institutions. The 93rd Amendment of the Constitution of India(2006)<sup>7</sup> empowers the government to make special provisions for the admission of socially and educationally backward classes of citizens to educational institutions, including private institutions, whether aided or unaided by the government.

To assess the efficacy of AA in this regard, let us now turn to Figure 1. It is evident from the figure1 that the access to higher education is uneven with notable disparities in enrolment across social groups in India. It has been observed that students enrolled in higher education institutions in 2011-12, a total of 46.8 percent students were from reserved category (SC, ST and OBC) and the remaining 53.2 percent are from the unreserved category.

**Figure 1: Category-Wise Shares in Enrollment for Higher Education 2011-12 to 2021-22**



Source: Authors' compilation based on All India Survey on Higher Education (AISHE) reports (2011-12 to 2021-22), Ministry of Education, Government of India.

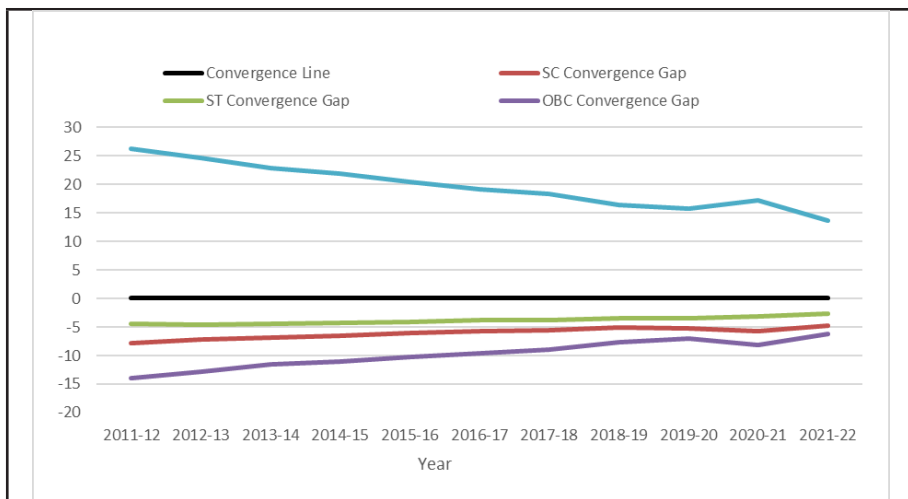
The corresponding share changed to 59.40 percent and 40.6 percent respectively in 2021-22. The enrolment rates in the ST category, however, have remained steady and below the reservation mark. As compared to all other social groups, the STs are lagging behind by almost 2.5 percent in enrolment in higher educational institutions, which is a

<sup>7</sup> The 93rd Constitutional Amendment Act of 2005 in India added Clause (5) to Article 15, empowering the government to make special provisions for the advancement of socially and educationally backward classes (SEBCs), including Scheduled Castes (SCs) and Scheduled Tribes (STs), in all educational institutions, even private, unaided ones (except minority institutions), to ensure their access to education and implement reservations (like 27% for OBCs in central institutions). This was enacted to nullify the Supreme Court's ruling in the Inamdar case, which had struck down state-imposed reservations in private colleges, and to promote educational equity.

mark of their deficit in educational attainment. The OBCs, on the other hand, have fared better than their mandated limit of 27 percent. Moreover, it is a satisfactory sign that the representation of SCs has also been going up over the years. There has been an increase from 12.2 percent in 2011-12 to 15.3 percent in 2021-22. Consequently, the share of Unreserved category was 40.6% in 2021-22.

To gain an understanding of caste-wise enrolment in higher education vis-à-vis their demographic representation in the national population, the convergence gap of each category is illustrated in Figure 2. In Figure 2 the convergence gap between population share and enrolment in higher education share reveals continued disparities across social groups. Scheduled Castes (SCs) and Scheduled Tribes (STs) remain consistently under-represented, with their enrolment shares falling short of their demographic weight. Although the gap for SCs narrows slightly over the period, it remains significant, reflecting limited progress in equitable access. STs show a similar pattern with very little progress towards the convergence line.

**Figure 2: Caste wise Convergence gap in Higher Education (2011-12 to 2021-22)**



*Source: Authors' compilation based on All India Survey on Higher Education (AISHE) reports (2011-12 to 2021-22), Census 2011 (Registrar General of India), and NSS 68th Round social group shares.*

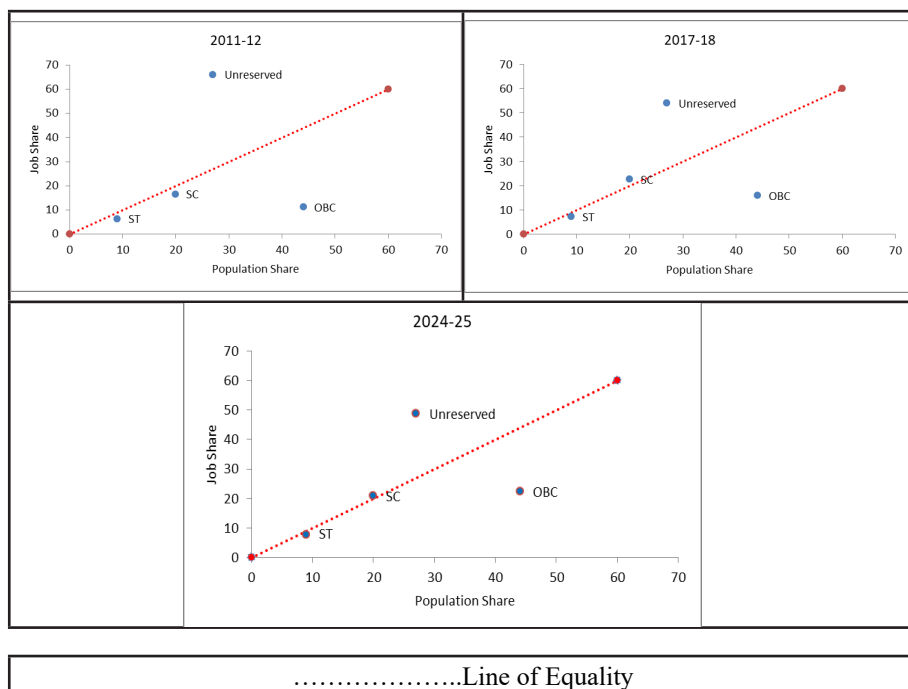
In contrast, Other Backward Classes (OBCs) display a sharper trend towards convergence, with their enrolment share steadily approaching their population share, indicating the relative success of the relevant affirmative action for this category. Correspondingly, the over representation of Unreserved category steadily decline. However, one needs to note that the unreserved category can technically and actually include some members of SC, ST and OBCs. A candidate belonging to SC/ST/OBC who is selected on the same standard as applied to general category candidates and who appears in the general merit list is treated as own merit candidate. Nonetheless the unreserved category comprises predominantly of members of groups unreserved

than SC, ST and OBCs. The important point to note here is that the gaps between the reserved and unreserved categories have tended to decline over time indicating a tendency towards convergence across category.

**Public Employment**

There are studies (Thorat and Attewell, 2007; Thorat and Neuman, 2012; Singhari and Madheswaran, 2016) to show that the marginalised and backward communities have been historically deprived of engaging in more reverbing employment. Therefore, to protect them from deprivation in employment, AA, in the form of a reservation policy, has operated in the employment domain. The validity of such a reservation is given under Article 16(4) of the Constitution by empowering the state to make “any provision for the reservation in appointment in favour of any backward class of citizens, and provision for the reservation to any class or classes of posts, in the services under the state in favour of the SCs and STs”. These reserved services are Government Civil Services, Statutory Bodies, Public Sector Undertakings and Semi-Government Bodies, and other bodies under the administrative control of the government.

**Figure 3: Caste-wise Population share Versus Job share in Central Government Services in Percentage**



Source: Ministry of Personnel, Public Grievances and Pensions, Annual Report-2011-12, 2017-18, and 2024-25; Census 2011 (Registrar General of India), and NSS 68th Round social group shares.

The success of the component of affirmative action in the form of reservation of jobs in the central government can be seen in our illustrations in figure 3. The top panel relating to 2011-12, it can be seen that the SC and ST communities have been able to secure job shares which are almost equal to their population shares. In contrast, the job share of OBCs is far less than their population share, whereas the job shares of the unreserved is far in excess of their population share. It may be noted here that SCs and STs have been beneficiaries of the reservation policy almost right from 1951, which apparently has contributed to these communities securing job shares equal to their population shares.

It is worth noting that OBCs have started getting the benefit of job reservation only in the 1990s and they were still a long distance to go to secure job shares which are proportional to their population shares. Now, if we move to panel below relating to the years 2017-18 and 2024-25, it can be seen that SCs in the meantime had been able to get a job share which is marginally above their population share. STs have also marginally improved their job shares, but their job share is still slightly less than their population share.

On the other hand, OBCs have significantly improved their job shares since 2011-12, and job share of Unreserved category have steadily been substantially decline. Though the share still far exceeds their population share. So, one can see that over time the job reservation policy has succeeded in a progress towards convergence of job shares of communities to their population shares. While this can be hailed as a success of the affirmative action, it is worth noting that the representation of SCs and STs has been primarily in lower category jobs, whereas their representation in higher category jobs continues to be much smaller. This has been illustrated in the next set of diagrams.

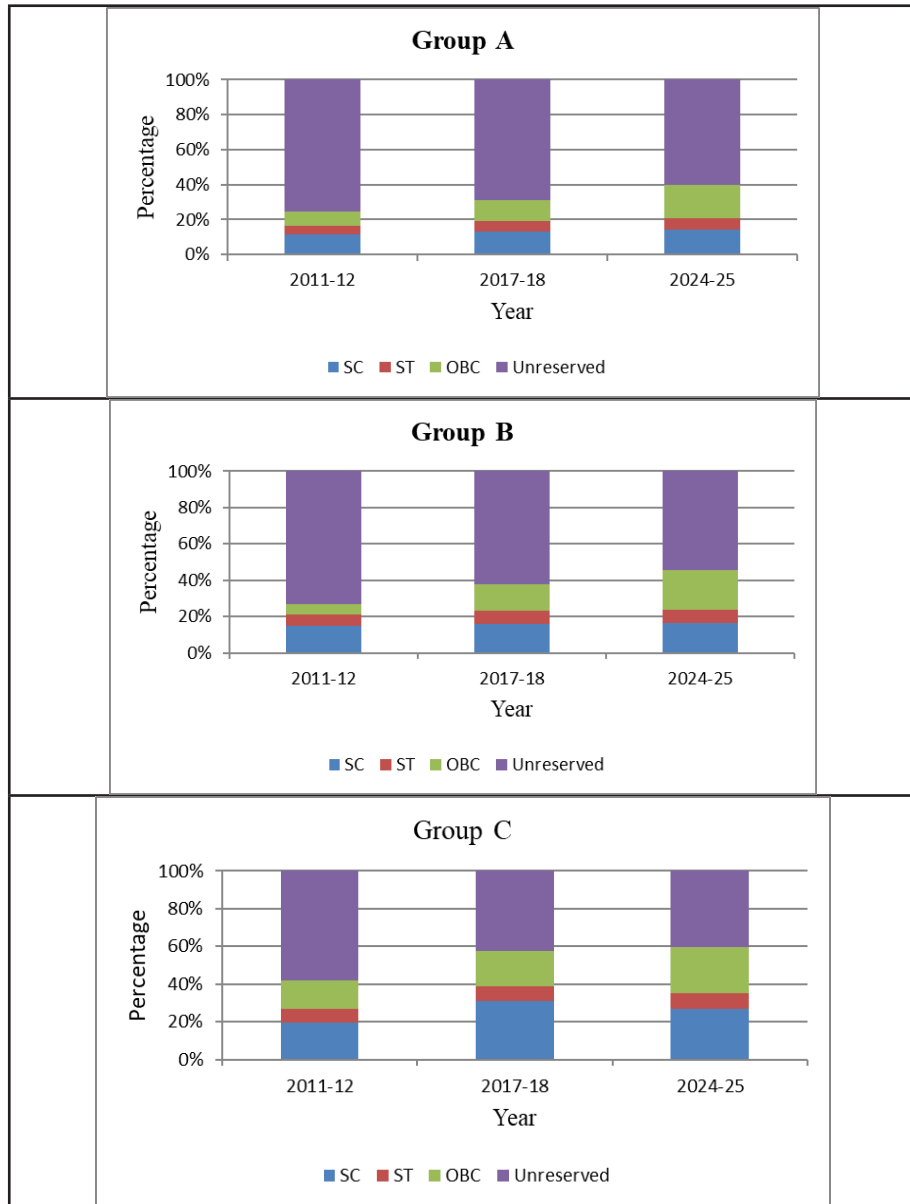
If we compare the three panels of figure 4, it is abundantly clear that the representation of SC and STs is relatively less in Group A<sup>8</sup> and even Group B<sup>9</sup> jobs. Their combine share has improved only marginally over the years in these two layers of employment. The presence of these two categories in Group C<sup>10</sup> job is visibly higher. The share of SC in the Group C jobs had a discernible increased in 2017-18 from 2011-12. By 2024-25, though, the share declines somewhat. It is worth mentioning that in 2011-12 and 2017-18, Group C and Group D were reported separately; however, in 2024-25 these categories have been merged into Group C, while sanitation workers (earlier part of Group D) treated as a separate category. For comparability, Group C and Group D for 2011-12 and 2017-18 have been combined as Group C, and for 2024-25, Group C also includes sanitation workers for the present purpose.

<sup>8</sup> Group A posts are the highest level in the government administrative structure, involving policy-making, decision-making, and overall administration. Officers are typically recruited through UPSC and hold gazetted status. Examples include IAS, IPS, IFS officers, and senior positions such as Directors and Professors.

<sup>9</sup> Group B posts are middle-level positions involving supervision and implementation of government policies under Group A officers. Recruitment is generally through SSC, State agencies, or departmental promotion, and these posts may be gazetted or non-gazetted. Examples include Section Officers, Inspectors (Income Tax/GST), and Sub-Inspectors.

<sup>10</sup> Group C posts comprise lower-level administrative and operational positions involving routine clerical, technical, and support functions, and are generally non-gazetted with recruitment through SSC or departmental processes. Following administrative reforms, Group C now includes the earlier Group C and most Group D posts, while sanitation workers are treated separately. Examples include clerks, assistants, technicians, multi-tasking staff, and earlier Group D roles such as peons, watchmen, and helpers.

**Figure 4: Caste-Wise Distribution of Employees in Central Government Services**



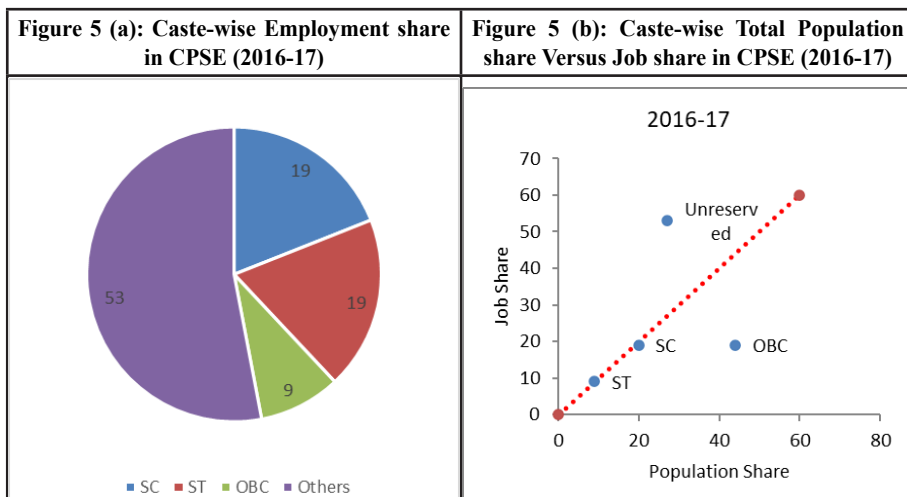
Source: Annual report of ministry of personnel, public grievances and pensions 2011-12, 2017-18 and 2024-25

It is clear from Figure 4 that despite shrinking of share of the unreserved category in Central Government services, this category still holds a more than a fair share, especially in group A jobs. On the others hand, improvements in the shares of

disadvantaged categories, particularly of SC and ST, have been painfully slow. As for OBC, improvements in shares of all category of jobs have been somewhat better than those of SC and ST. Indeed, for the combined Group C category (including sanitation workers), the quota of 27% for OBCs is almost fulfilled by the year 2024-25. But OBC’s estimated population share being 41%, which is much in excess of job quota of 27% for the category, the backlog for the community persists even in its share of the combine Group C category job.

Offering a lens into the broader dynamics of inclusion and social equity within public sector employment, Figure 5(a) reveals significant disparities in workforce composition within Central Public Sector Enterprises (CPSEs). Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC) constitute 19%, 9%, and 19% of employees, respectively, while the ‘Unreserved’ category accounts for 53%, indicating an uneven distribution. Figure 5(b) presents the comparison between population share and job share across categories. The job shares of SC and ST largely correspond to their population proportions, whereas the OBC category exhibits a noticeable gap, and the ‘Unreserved’ category has a job share exceeding its population share. While these trends reflect partial success of affirmative action policies, SC and ST employees remain predominantly in lower-tier positions, with limited representation in higher-level jobs—a pattern further illustrated in the following diagrams.

**Figure 5: Caste-wise Employment Share and Caste wise Population-Job Share Comparison in Central Public Sector Enterprises (2016-17)**



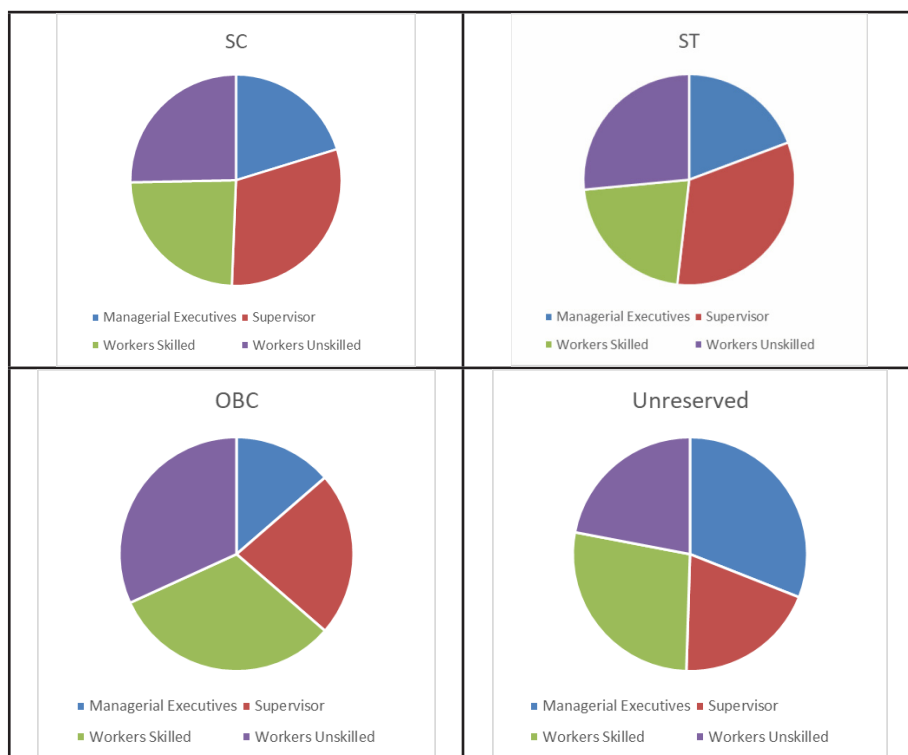
Source: Public Sector Enterprise Survey, 2016-17; Census 2011; Census 2011; Projection from NSS 68th Round

The pie charts (Figure 6) further reveal that SC and ST employees are predominantly concentrated in low-paid job, with minimal representation in managerial and executive positions. This trend suggests that affirmative action policies have had limited success in promoting upward mobility for these groups.

In contrast, the OBC group shows a more balanced distribution across various job categories, including managerial, skilled, and unskilled roles. Although they still have a substantial share in unskilled positions, their relatively higher representation in managerial and skilled jobs reflects better overall access to higher-paying roles. The “Unreserved” category, representing employees from general castes, displays a more even distribution, with the largest share in managerial positions, followed by significant representation in low paid jobs. This analysis underscores the ongoing challenges in achieving equitable caste representation in higher job categories within CPSE.

In a similar fashion, when we look at the representation of different social groups in teaching and non-teaching staff in higher educational institutions, as presented in Figure 6. It reveals significant disparities in representation among different social groups. As illustrated in the figures, individuals from the Scheduled Castes (SC) constitute only 7.5% of teaching staff, whereas their representation in non-teaching roles rises to 12.9%.

**Figure 6: Job category wise Distribution of Employment of Caste group Employment Composition in Central Public Sector Enterprises (2016-17)**

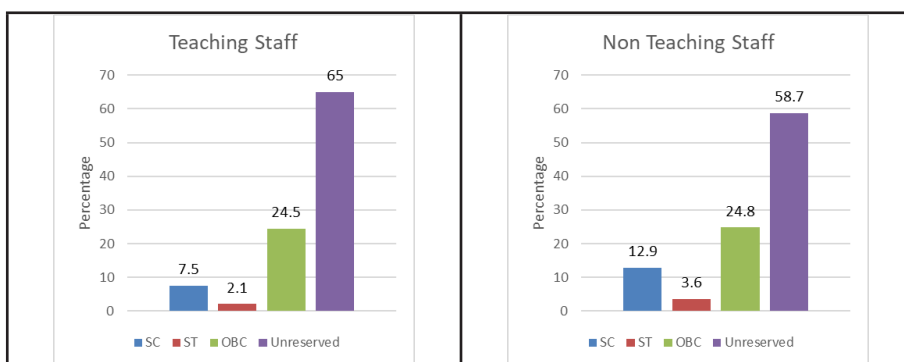


Source: Public Sector Enterprise Survey, 2016-17

If we compare representation of caste category across teaching and non-teaching staff in the institute of higher education a similar pattern is observed (Refer figure 7). The figures point to a persistent under representation of SC and ST communities in academic

roles, which are typically associated with higher status and influence within institutions. Scheduled Tribes (ST) for instance, make up just 2.1% of teaching staff compared to 3.6% in non-teaching positions. In contrast, representation of Other Backward Classes (OBC) is relatively consistent across both categories—24.5% in teaching and 24.8% in non-teaching positions—indicating more equitable access for this group. The unreserved category continues to dominate, particularly in teaching positions, accounting for 65% of the total, compared to 58.7% in non-teaching roles.

**Figure 7: Representation of Different Caste Groups in Teaching and Non-Teaching Staff in Higher Education (2015-16)**



Source: All-India Survey in Higher Education Report, MHRD, 2015-16

From the above illustration it can be concluded that while the AA have had positive impact in helping historically disadvantaged communities to secure higher shares in higher education and public sector employment, implementation of the prevailing reservation policies requires further sharpening for greater delivery of social justice in this regard. The 13<sup>th</sup> Report Committee on Welfare of Other Backward Classes, 2024 explains how job secured on own merit by OBC candidates are added with those selected under quota to show the OBC quota to have been fulfilled. From the 25<sup>th</sup> Report of Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, 2024 it can be understood that the issue of backlog vacancies in SC and ST and question of ‘not found suitable’ is a major concern.

### Political Domain

Historical injustices to marginalised communities in political spheres have compelled the Indian state to adopt political reservation to ensure adequate representation in political system. Political reservation has therefore, become a primary means of inclusion and redistribution of political resources in favour of those marginalised communities. The one arena in which quotas have been implemented 100 percent is the sphere of political reservation (Deshpande, 2010). The reservation for the SC, ST communities in the Lok Sabha has existed for seven decades. As per the Delimitation of Parliamentary and Assembly Constituencies Order of 1976 (79 for SCs and 41 for STs) and of Order 2008 (84 for SCs and 47 for STs) seats were reserved under different Parliamentary elections.

The following table-1 presents and election-wise representation of SC/ST communities in different Lok Sabha elections.

The Table 1 shows an election-wise representation of social groups in Lok Sabha. From the data it is evident that the representation of social groups was relatively higher than their prescribed seats. One probable reason for grate success of reservation policies in this context is that unlike educational institutions and employment, there are no stringent qualifying standards to compete the election, therefore this result is expected. This could be due to the practice of double-member Constituencies, whereby many SC/ST candidates were elected from unreserved seats (Prasad, 2001; Weiner and Field,1975). The reservation system has enabled the Indian democratic practices to become 'Politically Inclusive' by accommodating the marginalised under its ambit. Thus the provision of political reservation is an important instrument of social change.

**Table 1: Seats reserved and Won by SC/ST for Lok Sabha over the year 1951-2019**

Year	SC		ST	
	Seats reserved	Seats Won	Seats reserved	Seats Won
1951	72	76	23	38
1980	79	87	41	43
1998	79	80	41	49
2004	79	79	41	41
2019	84	86	47	52

*Source: Statistical Reports of the General Election to Lok Sabha, India*

Thus, despite debate over this issue, our analysis reveals that the AA is an important machinery of the Indian Constitution for ensuring equality in education, employment, and the legislature for the weaker section. However, while the Affirmative Actions have helped the traditionally backward communities to get more representation in government jobs, the representation of such communities in lower-paid jobs is more visible than their positions in higher position or higher-paid jobs. This implies that such communities, by and large, have not been able to break the glass ceiling for getting into the higher-paid jobs. For the efficacy of Affirmative Action, it is required that the affirmative policies are so reformed as to enable, especially the disadvantaged section within the disadvantaged communities, to take advantage of such action. For correction in this direction, we recommend (in the following section) that the facilities within the Affirmative Action be distributed among the members of a particular community by taking into account not only the basic criteria such as marks, but also moderating basic criteria by the extent of disadvantage of the households. Towards this end, we have proposed a disadvantaged-adjusted merit score calculation for the allocation of opportunities under Affirmative Action among the different households of a given community.

### **Towards Reforming the Quota Administration for Greater Intra-Group Equity**

Discussion in the preceding section leads us to the conclusion that affirmative actions have been considerably successful in ensuring the marginalised a fair chance to have access to education and jobs. These communities now have better access to higher education, and government jobs, and have been able to break the curse imposed by marginality, caste prejudice, and poverty to a significant extent. Yet, elimination of age-old relative disadvantages of these communities is still an unfinished agenda.

One of the drawbacks of the existing reservation policies is that all members of a community for which the reservation provisions are there, are equally qualified to claim the benefits of reservations. This ignores the fact that there are wide disparities or unequal improvement within the SCs, ST and the OBCs. There are evidences (Deol, 2023; Gupta, 2024) of evidence highlighting how disproportionate access to the benefits of reservation manufactured inequalities within the communities. B. R. Gavai, former Chief Justice of India, observed that internal disparities within the Scheduled Caste community necessitate sub-classification to ensure that reservation benefits reach its most disadvantaged members (Indian Express, 2025). Hasan and Bezbaruah (2023) found that the level of income inequality is highest within the ST and has increased between the periods 2004-05 to 2011-12. This implies that the reservation system has led to the emergence of an “advanced” section among the caste groups who reap the larger share of benefits from the reservation. This advanced section of people is technically called the ‘*creamy layer*’. Thus, creamy layer refers to some members of a backward class who are socially, economically, as well as educationally advanced as compared to the rest of the members of that community (Prasad, et. al., 1993). Therefore, some argue to exclude the creamy layer section of a particular backward class from their access to the Government’s affirmative action. On September 26, 2018, a five-judge Constitution Bench delivered a verdict in *Jarnail Singh vs Lachhmi Narain Gupta* case calling that Equality will not be possible if only the creamy layer within that class bags all the coveted jobs in the public sector and perpetuate themselves, leaving the rest of the class as backward as they always were. Thus, it is necessary to put in structures within the quotas so that the benefits of affirmative actions are equitably distributed within a community. This can be implemented in the allocation of quota seats for educational purposes or the distribution of job vacancies under quota.

This will require the calculation of the relative disadvantage index score for each member or applicant for a seat or post. For ease of implementation, this index should include only a few easily verifiable factors. With an appropriate formula, we can get an index that will tend towards 1 for greater relative disadvantage and towards 0 with lower relative disadvantage. So if we denote the index as  $D$ , the value will increase away from 0 towards 1 for candidates with greater relative disadvantage

Next, it will be necessary to moderate the mark/score secured by a candidate seeking quota seat by using the disadvantaged index. Thus, if the mark/score originally secured is  $M$ , the disadvantage-adjusted mark/score  $AM$  will be

$$AM = M \times D$$

For illustration, let us take a hypothetical example. Suppose we take the following three observable indicators of the disadvantaged of a person —

$D_1$  = whether the person is first generation aspirant for a reservation.  $D_1=1$  for first-generation aspirants but  $D_1=0$  for those whose parents have already availed the reservation benefit.

$D_2$  = whether the person is from an urban area or a rural area. There are studies to show that the disadvantage of SCs/STs has been more in rural areas than in urban areas (Hasan and Bezbaruah, 2023).

Thus  $D_2= 1$  for a person who lives in a rural area. And  $D_2=0$ , for a person who lives in an urban area.

$D_3 = D_3$ , may be an indicator of the economic status of the household to which the person belongs.

It may be more elaborately defined, taking into account several observable and easily verifiable indicators. To keep it simple, we may take possession of a motor vehicle (a four-wheeler used not for commercial purposes).  $D_3=1$ , if the person’s household doesn’t own a motor vehicle.  $D_3=0$ , for those who possess a motor vehicle.

For the time being, let us limit ourselves to these three indicators only. Thus, we may define the index of relative disadvantage as

$$D = \frac{D_1 + D_2 + D_3}{3}$$

However, there may be a problem with the above formula for the disadvantaged index. If  $D_1$ ,  $D_2$ , and  $D_3$  are equal to 0 (zero), then  $D$  will also be zero. This will make the disadvantage-adjusted mark/score AM equal to 0 (zero).

To avoid this pitfall, we may add another component  $D_4$  to our index.

$D_4=1$  if the person belongs to the community in question.

$D_4=0$  if the person does not belong to the community in question. Thus, after the revision,

$$D = \frac{D_1 + D_2 + D_3 + D_4}{4}$$

Now,  $0 < D \leq 1$

**Hypothetical Illustration 1**

Let there be two candidates with 60% score each for a single seat. Let the indices for the two candidates be as follows:

Indicators	Candidate-1	Candidate-2
$D_4$	1	1
$D_1$	0	1
$D_2$	0	1
$D_3$	1	1

Then, by formula 5.2, the value of D for candidate-1 will be or 0.5.

Similarly, for candidate-2, D will be equal to 1.

Then, the *disadvantage adjusted score (AM)* will be:

$$60 \times \frac{1}{2} = 30 \text{ for candidate-1; and}$$

$$60 \times 1 = 60 \text{ for candidate-2.}$$

As the disadvantage adjusted score for candidate-2 is greater than candidate-1, hence candidate-2 should get the seat. Here, though both candidates have the same score, seat goes to candidate-2 because of the candidate's greater disadvantage.

**Hypothetical Illustration 2**

Let the candidate 1 score 76% marks and candidate-2 score 65% marks for a single seat. Then the indices for the two candidates are as follows:

Indicators	Candidate-1	Candidate-2
$D_4$	1	1
$D_1$	1	1
$D_2$	0	1
$D_3$	1	1

Then, the value of D for candidate-1 will be  $\frac{3}{4}$  or 0.75.

Similarly, for candidate-2, D will be equal to 1.

Then, the *disadvantage-adjusted score (AM)* will be:  $76 \times \frac{3}{4}$  for candidate-1; and

$$65 \times 1 = 65 \text{ for candidate-2.}$$

Hence, the candidate-2 should get the seat. This time also the second candidate gets the seat despite having a lower score than candidate -1. This is because of two factors – disadvantage of candidate-2 is taken into account at a compensation for disadvantage makes up for the candidates lower score. It is worth noting that if the differences in score tend to increase at some point compensation for disadvantage cannot make up for the deficit in score. This is illustrated in third hypothetical illustration.

### Hypothetical Illustration 3

Let the candidate-1 score 80 % marks and candidate-2 score 50% marks for a single seat. And the indices for the two candidates are as follows:

Indicators	Candidate-1	Candidate-2
D <sub>4</sub>	1	1
D <sub>1</sub>	0	1
D <sub>2</sub>	0	1
D <sub>3</sub>	1	0

Then, the value of D for candidate-1 will be  $\frac{1}{2}$  or 0.50

Similarly, for candidate-2, D will be equal to  $\frac{3}{4}$  or 0.75

Then, the *disadvantage adjusted score (AM)* will be:

$$80 \times \frac{1}{2} = 40 \text{ for candidate-1; and}$$

$$50 \times \frac{3}{4} = 37.5 \text{ for candidate-2.}$$

Hence, the Candidate 1 should get the seat. As stated above the score gap between the candidate 1 and 2 in this case is too large to compensate for relative disadvantage of candidate 2.

The three illustrations given above shows not only how relative disadvantage of candidate can be compensated in the selection process without completely ignoring merit in the selection criteria.

This is merely a suggestion to show in which direction the system can be modified. Actual modification will require a detailed specification of the disadvantaged index and also the extent of adjustment for disadvantage.

## Conclusion

While Affirmative Actions have been found to have contributed to socioeconomic upliftment of communities in SC, ST and OBC lists, there are some question marks on the equitability of distribution of quota for education and jobs within the specific groups. For greater intra-group equity in the distribution of benefits of quota, it is recommended that the criteria for allocation of quota seats for a group be revised. It is advocated that the basic marks, which are currently used for filling quota seats for a group, be first adjusted for the different levels of disadvantages of the different candidates. This process would increase the mark of the more disadvantaged candidate and moderate the mark of the less disadvantaged candidate. The allocation of quota seats for any given group of communities should then be allocated based on the disadvantaged adjusted mark. This would ensure greater equity in the allocation of quota seats for a given group. Hence, for improving the inclusiveness of India's development process, special modified policy initiatives as recommended, targeting the communities that have lagged behind the rest of the country in development outcomes, should be intensified.

## References

- Austin, G. (1999). *Working a democratic constitution: A history of the Indian experience*. New Delhi: Oxford University Press.
- Committee on Welfare of Other Backward Classes. (2024). *Measures undertaken to secure representation of OBCs in employment and for their welfare in various departments/organisations/institutions, 13<sup>th</sup> Report*. Department of Personnel and Training (DoPT) pertaining to the Ministry of Personnel, Public Grievances and Pensions), Parliament of India. [https://eparlib.sansad.in/bitstream/123456789/2975923/1/17\\_Committee\\_on\\_Welfare\\_of\\_Other\\_Backward\\_Classes\\_30.pdf](https://eparlib.sansad.in/bitstream/123456789/2975923/1/17_Committee_on_Welfare_of_Other_Backward_Classes_30.pdf)
- Despande, A., and Newman, K. (2010). "Where the paths lead: the role of castes in post university employment expectations." *Economic and Political Weekly*, 54(19), 4133-4140.
- Despande, A. (2011). "Social Justice through affirmative action in India," In J. Wicksand R. Pollin (Eds.), *Capitalism in trial: Exploration in the tradition of Thomas Weisskopf* (pp.1-12). Edward Eglar Publishing Inc, Northampton.
- Deshpande, S., and Yadav, Y. (2006) "Redesigning affirmative action: castes and benefits in higher education." *Economic And Political Weekly*, 41(24), 2419–2424.
- Deol, R. (2023). "On the Taming of State: Dominant Caste Elites and Castebased Reservation in India." *Potentia: Journal of International Affairs*, 14(1).
- Dumont, L. (1980). *Homo hierarchicus: The caste system and its implications*. University of Chicago Press.
- Galanter, M. (1984). *Competing equalities: law and the backward classes in India*. University of California Press Berkeley.
- Government of India, Planning Commission. (1951). *First five-year plan (1951–56)*. New Delhi: Government of India.
- Gupta, P. (2024). "Exploring the Experiences of Inequality by the Ethnic Groups from the Reserved Category in Higher Education." *International Journal of Indian Psychology*, 12(3).

Hassan, M., and Bezbaruah, M. P. (2023). "Income Inequality A Cross-states and Cross-Community Analysis." *Economic and Political Weekly*, 58(10), 44-51.

Indian Express. (2025, August 24). *I have been widely criticised for judgment from people from my own community: CJI Gavai on sub-classification of SC quota*. The Indian Express. <https://indianexpress.com/article/india/i-have-been-widely-criticised-for-judgment-from-people-from-my-own-community-cji-gavai-on-sub-classification-of-sc-quota-10207525/>

*Indra Sawhney v. Union of India*, AIR 1993 SC 477 (India).

*Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1 (India).

Jodhka, S. S. (2017). *Caste in contemporary India*. Routledge India. <https://www.taylorfrancis.com/books/mono/10.4324/9780203701577/caste-contemporary-india-surinder-jodhka>

Kennedy, R. (2013). *For discrimination: race, affirmative action and the law*. Pantheon.

Khan, A. (1995). "Human rights and the dalits" New Delhi: Uppal Publishers

Kothari, R. (1982). *Politics in India*, Orient Black Swan, New Delhi, India.

Massey, D. S., Mooney, M., Torres, K. C., and Charles, C. Z. (2006). "Black immigrants and black natives attending selective colleges and universities in the united states." *American Journal of Education*, 113(2).243–271.

Mendelsohn, O., and Vicziány, M. (1998). *The untouchables: Subordination, poverty and the state in modern India*. Cambridge: Cambridge University Press.

Nambissan, G.B. (2020). "Caste and politics of the early 'public' in schooling: dalit struggle for an equitable education." *Contemporary Education Dialogue*, 17(2), 126-154.

Nath, P. (2019). "Employment scenario and the reservation policy." *Economic and Political Weekly*, 54(19), 56-61.

National Sample Survey Office (NSSO). (2021). *Annual report: Ministry of Statistics and Programme Implementation, 2020–21*. New Delhi: Government of India.

NITI Aayog. (2017). *Report of the task force on improving employment data (draft version)*, Government of India. [abour.gov.in/whatsnew/report-task-force-improving-employment-data-public-comments-23072017](http://abour.gov.in/whatsnew/report-task-force-improving-employment-data-public-comments-23072017)

Pant, N., and Choudhury, C. (2022). "Affirmative action policy in india." *Journal of Positive School Psychology*, 6(4), 2601-2612.

Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. (2024). *The role of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in the formation, implementation, and monitoring of reservation policy* (25th Report). Parliament of India. [https://eparlib.sansad.in/bitstream/123456789/2505509/1/17\\_Welfare\\_of\\_Scheduled\\_Castes\\_and\\_Scheduled\\_Tribes\\_25.pdf?](https://eparlib.sansad.in/bitstream/123456789/2505509/1/17_Welfare_of_Scheduled_Castes_and_Scheduled_Tribes_25.pdf?)

Planning Commission. (2011). *Faster, sustainable and more inclusive growth, approach paper to 12th five year plan*. New Delhi: Government Of India. [https://www.education.gov.in/sites/upload\\_files/mhrd/files/document-reports/XIIPlanapproach.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/XIIPlanapproach.pdf).

Prasad, R. N. C., Majithia, R. J., PS, K., and Shahare, M. L. (1993). *Report of the expert committee for specifying the criteria for identification of socially advanced persons among the socially and educationally backward classes*. Government of India Press, New Delhi.

Sander, R. H. (2004). "A systemic analysis of affirmative action in american law schools." *Stanford Law Review*, 57(367), 367–483.

Sahoo, A., Kabeer, N., and Thorat, S. (2023). "Caste, inequality, and the labour market in contemporary India." *Economic and Political Weekly*, 58(3), 43–52.

Singhari, S., and Madheswaran, S. (2016). *Social exclusion and caste discrimination in public and private sectors in India: A decomposition analysis*. Bangalore: Institute for Social and Economic Change.

Sharma, P. (2021). "Unemployment among social groups in India." *International Journal of Multidisciplinary Educational Research*, 10(3), 5-10.

Shah. G., Mander, H., Thorat. S., Deshpande. S., and Baviskar. A. (2006). *Untouchability in rural India*. Sage Publication, New Delhi, India

Sowell, T. (2005) *Affirmative action around the world: an empirical study*. Yale University Press.

Thorat, S., and Neuman, K. S. (2012). *Blocked by caste: Economic discrimination in modern India*. Oxford University Press.

World Health Organization. (2014). Comprehensive implementation plan on maternal, infant and young child nutrition.